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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,375	01/15/2002	Nigel Cronin	1570.3024.001	3822
7590	11/18/2004			
Eric T Jones Reising Ethington Barnes Kisselle Learman & McCulloch PO Box 4390 Troy, MI 48099-4390			EXAMINER ROANE, AARON F	
			ART UNIT 3739	PAPER NUMBER
DATE MAILED: 11/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	Application No. 09/914,375	Applicant(s) CRONIN, NIGEL	
	Examiner Aaron Roane	Art Unit 3739	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Aaron Roane. (3) Jeff Hogg.  
 (2) Eric Jones (Reg. No. ). (4) \_\_\_\_\_.

Date of Interview: 22 October 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1 and 38.

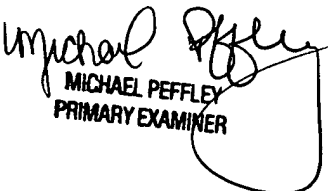
Identification of prior art discussed: Carl et al.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.


Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
 MICHAEL PEFFLEY  
 PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The four topics of discussion were 1) the term "near-field", 2) the term "substantially", 3) the functionality of the device and how that function distinguishes itself and finally 4) the Carl et al. reference.

1) The examiner stated that if Applicant wanted to restrict the application of prior art when considering the "near-field" recitation, then Applicant would have to give a restrictive meaning to the term "near-field". This is particularly important when dealing with radiating electromagnetic fields, which have different field characteristics depending on whether or not the observation point is near to or far from the radiating antenna and the fact that radiating fields have a multipole expansion which makes this point particularly transparent. If Applicant wishes to restrict the term "near-field" to the region within the distance  $D=(2L*\lambda)/P$ , where L is the major dimension of the antenna and P is the wavelength of electromagnetic radiation within the dielectric body, then Applicant should do so restrictively.

2) The term "substantially" within the claim language greatly effects the "near-field" restriction discussed above. If the wavelength of propagation within the dielectric body is larger than twice or three times the major dimension of the antenna, a large portion of the radiated energy pattern can still fall within the dielectric body. In addition, the term "substantially" could be given restrictive meaning by put numerical bounds on, for example "substantially" could be restrictively defined in reference to the "near-field" to mean greater than or less than by a factor of 2, 5, 10 or 100. At present the use of the term "substantially" simply allows for a broader application of prior art.

3) Applicant stated how the functional aspect of the device, distinguished the claimed invention over the prior art. The examiner disagreed with Applicant and pointed to the many patents disclosing catheters having radiating antennas and having an inflatable liquid containing balloon, wherein the liquid itself is a dielectric, inherently. These types of inventions would meet the proposed function of the claimed invention and therefore, the mere functionality of the device does not distinguish itself over the prior art.

4) Finally, the examiner illustrated how the Carl et al. reference met the claimed invention. A key point of concern was the diameter of the device, which was shown in figure 2 of Carl et al., while the other structural features of the device were shown in figure 3. It is unclear whether the device of figure 3 has the same diameter as the device of figure 2. The examiner will review the Carl et al. reference and determine if the anticipatory 102 rejection was proper. The examiner also stated that if the anticipatory 102 rejection was improper, it would be very easy to make an obviousness 103 rejection concerning the diameter of the catheter shown in figure 3 of the Carl et al. reference and thus meet the structural features of the claimed invention.